

III.B. Disputing Errors in Credit Reports Using Sections 611, 623(b), and 623(a)(1)(B)

Sections 611, 623(b) and 623(a)(1)(B) of the Fair Credit Reporting Act (FCRA) provide a dispute process that obligates both the credit reporting agency (CRA) and the furnisher (the company that provides information about the consumer to a CRA) to correct inaccurate or incomplete information in consumer credit reports. FCRA §§ 611, 623, 15 U.S.C. §§ 1681i, 1681s-2. (All consumers, regardless of the nature of their dispute, can use the 611 process to dispute incorrect information in their credit reports. The blocking remedy in 605B, however, is limited to victims of ID theft.) Accordingly, all consumers, including identity theft victims who don't wish to file a police report, or wish to have corrected information about a disputed trade line appear on their credit report, can use the dispute process outlined below.

Contacting the CRA

The consumer should contact the CRA in writing to identify and explain the inaccurate information found in her credit report. CRAs must investigate the items in question – usually within 30 days – unless they consider the dispute frivolous. As part of this dispute process, the CRA also must forward all the relevant information the consumer provided about the inaccuracy to the company that furnished the disputed information. FCRA § 611(a), 15 U.S.C. § 1681i(a).

Furnisher Obligations

After the furnisher receives notice of a dispute from the CRA, it must investigate, review the relevant information, and report the results back to the CRA within 30 days. If the furnisher finds the disputed information is inaccurate, it must notify all three nationwide CRAs so they can correct the information in the consumer's credit file and promptly modify, delete, or permanently block the reporting of, the inaccurate information. FCRA § 623(b), 15 U.S.C. § 1681s-2(b).

If the furnisher's investigation results in a change in the consumer's report, such as the deletion of disputed information, the CRA must give the consumer the written results of the changed information. Once an item is changed or deleted, the CRA cannot reinsert the disputed information back in the consumer's file unless the furnisher verifies that it is accurate and complete. If the CRA reinserts the disputed information, it must also notify the consumer that it has done so. FCRA § 611(a), 15 U.S.C. § 1681i(a).

Consumer Statements in Credit Reports

If, after investigating the matter, the furnisher believes that the disputed information is accurate, the CRA is not obligated to make a change to the consumer's credit report. Consumers can, nonetheless, ask the CRA to include a brief statement of the nature of the dispute in their file and in future reports. The CRAs may limit this statement to 100 words, or, they can use a code to indicate the nature of the consumer's

statement. FCRA § 611(b)-(c), 15 U.S.C. § 1681i(b)-(c). Consumers also can ask the CRA to provide the consumer's statement to anyone who received a copy of the consumer's report in the recent past. FCRA § 611(d), 15 U.S.C. § 1681i(d).

Contacting the Information Furnisher Directly

In addition to disputing inaccurate information with the CRA, consumers may also dispute inaccurate information in a credit report directly with the furnisher that gave the information to the CRA. Currently, filing a dispute directly with a furnisher does not afford consumers the same right, as those associated with a dispute filed directly with a CRA, as described above.

If a consumer notifies a furnisher directly in writing that information it provided to a CRA is inaccurate, the furnisher must review all relevant information provided by the consumer and conduct a reasonable investigation. This requirement does not apply in certain enumerated circumstances, such as if the consumer's claim is frivolous, if the consumer's dispute would be more appropriately directed to a CRA (e.g., if it involves information derived from public records), or if it comes from a credit repair organization. The furnisher must report the results of its investigation to the consumer. If the information is, in fact, inaccurate, the furnisher must report the correct information to the CRA. FCRA § 623(a)(1)(B), 15 U.S.C. § 1681s-2(a)(1)(B).

A dispute of inaccurate information made directly with a furnisher should be in writing and include all supporting documentation. Many furnishers specify an address for filing disputes. If the furnisher reports the item to a CRA, it must include a notice of the consumer's dispute with the item. And if the furnisher determines that information is inaccurate, it may not report it again. FCRA § 623(a), 15 U.S.C. § 1681s-2(a).

Sample consumer and attorney follow-up letters to CRAs and furnishers disputing inaccurate information, and to CRAs and furnishers regarding disputed information, are available in [Appendix C.2](#).

Note on Private Rights of Action: The FCRA provides federal private rights of action for violations of sections 611 and 623(b). Sections 616 and 617 of the FCRA set out the conditions under which federal law may provide for a civil cause of action, as well as the available damages. Your client may also have remedies under state law.